

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

FIREMAN'S FUND INSURANCE  
COMPANY, *et al.*,

Plaintiffs,

v.

GERLING AMERICA INSURANCE  
COMPANY,

Defendant.

No. C-07-6302 CRB (EMC)

**ORDER GRANTING IN PART AND  
DENYING IN PART PLAINTIFFS'  
MOTION TO COMPEL**

**(Docket No. 43)**

Having considered the parties' briefs and accompanying submissions, as well as the oral argument of counsel, the Court hereby **GRANTS** in part and **DENIES** in part Plaintiffs' motion to compel.

1. Document Request No. 4

The motion is denied with respect to this document request. In its second amended answer, Gerling dropped the affirmative defense that Plaintiffs' claims are barred because of the aggregate limits.

2. Document Request No. 9

With respect to this document request, which seeks all documents related to claims made against Gencor, the motion is granted in part and denied in part. As phrased, the document request is overbroad. However, if, *e.g.*, there were claims made against Gencor for similar occurrences, documents related to such claims would be relevant. The Court orders the parties to meet and confer

1 to determine how best to narrow the document request (*e.g.*, similar occurrences or another similar  
2 type of rationale).

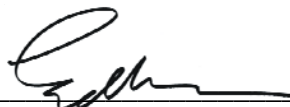
3 3. Document Request No. 10

4 With respect to this document request, which seeks the underwriting files relating to Gencor,  
5 the motion is granted in part and denied in part. The motion is granted to the extent that Plaintiffs  
6 have articulated a relevant basis in their papers -- *i.e.*, the professional services exclusion. The  
7 parties shall meet and confer to discuss what documents should be produced given this parameter  
8 and the redaction of irrelevant information.

9 This order disposes of Docket No. 43.

11 IT IS SO ORDERED.

13 Dated: August 6, 2008

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15 EDWARD M. CHEN  
16 United States Magistrate Judge  
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